

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

2008 MAR -3 P 3 01

TOM RETZLAFF,
Plaintiff,

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SA08CA0170

CLERK, US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*
DEPUTY.

v.

Civil Action No. _____

OG

LYNDA YVONNE DE LA VINA,
DIANE BAKER WALZ, KYLE
MERLETTE SNYDER, KATHERINE
ANNE POPE,
Defendants.

NOTICE OF REMOVAL

Defendants are Lynda Yvonne De La Vina, Diane Baker Walz, Kyle Merlette Snyder, and Katherine Anne Pope (the "Defendants"), each sued in her individual capacity under 42 USC § 1983. Plaintiff is Tom Retzlaff. Defendants state that:

1. **Removal Provision:** This removal is pursuant to 28 U.S.C. § 1441(b). Plaintiff alleges violations of the U.S. Constitution and sues Defendants through 42 U.S.C. § 1983. Plaintiff also alleges state tort claims, including defamation and a privacy violation.
2. **State Action:** Plaintiff originally filed his action against Defendants in County Court at Law No. 10 of Bexar County, Texas, on February 6, 2008 (Cause No. 336249). Defendants and Plaintiff to this action are the above-listed individuals. Venue is proper in the United States District Court for the Western District of Texas, San Antonio Division.
3. **Nature of the Lawsuit:** Plaintiff is a student at the University of Texas at

San Antonio who claims that Defendants have infringed his speech rights, caused other constitutional violations, and communicated about him in a fashion caused torts under state law.

4. Jury Demand: By *Plaintiff's Petition and Requests for Disclosure*, Plaintiff has requested a trial by jury.
5. Removal Requirements of § 1441: Plaintiff alleges violations of the U.S. Constitution and sues Defendants through Title 42 U.S.C. § 1983. Plaintiff also alleges state tort claims including defamation and a privacy violation.
6. Compliance with Deadline: Defendants filed an Answer in County Court on March 3, 2008 (copy included with state court documents). Defendants' removal action is timely.
7. State Court Pleadings: A true and correct copy of any process and pleadings possessed by Defendants in the state court action are being filed with this notice as required under 28 U.S.C. § 1446(a). Also find attached the Supplemental Civil Cover Sheet.

ACCORDINGLY, Defendants jointly ask that this cause be removed to the United States District Court for the Western District of Texas, San Antonio Division, pursuant to § 1441 of Title 28 of the United States Code.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served via U.S. Certified Mail, Return Receipt Requested, on March 3, 2008, to the following:

LOUIS D. MARTINEZ
Law Office of Louis D. Martinez
1004 S. St. Mary's Street
San Antonio, Texas 78205



LARS HAGEN
Assistant Attorney General